



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of Oleg ZOMMERS

Serial No.: 09/603,216

Group Art Unit: 3623

Filed: 06/26/00

Examiner: Meinecke Diaz, S.

For: **INTERACTIVE PERSONAL INFORMATION SYSTEM AND METHOD**

Mail Stop Non-Fee Amendment

Commissioner for Patents

P.O. Box 1450

Alexandria, VA, 22313-1450

REPLY / ELECTION

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GROUP 3623

Dear Sir:

In response to the Restriction/Election requirement mailed September 15, 2003, Applicant hereby elects one of the following, dependent upon interpretation of the language of the requirement. If the language of the restriction requirement that states that "Applicant is expected to select one species and then *one subspecies from each of the subspecies groups* listed under the selected subspecies" and "Applicant is required...to elect a single disclosed species for prosecution (along with *one from each group of subspecies* associated with the elected species)" is literally interpreted, Applicant hereby elects Species I, with the further election of Subspecies A₃ from the A group, B₁ from the B group, and C₁ from the C group, with traverse, for prosecution on the merits.

If this interpretation of the requirement is incorrect as allowing the election of too many subspecies, then Applicant alternately elects the invention of Species I, Subspecies A₃, with traverse, for prosecution on the merits.

Applicant submits that no claims read on Species I, Subspecies A₁ (for the reasons submitted below); claims 35, 147, and 249 read on Species I, Subspecies A₂ and A₄; claims 32-34, 144-146, 245-248, and 463-465 read on Species I, Subspecies A₃; claims 59, 171, 273, and 475 read on Species I, Subspecies B₁ and B₂; no claims read on Species I, Subspecies B₃ (for the reasons submitted below); claims 101-103, 207-209, 315-317, and 504-505 read on Species I,

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Subspecies C₁; no claims read on Species I, Subspecies C₂ (for the reasons submitted below); claims 321-428 read on Species II, and all remaining claims are generic.

Based on the election of Species I, Subspecies A₃, B₁, and C₁, Applicant elects examination of claims 1-34, 36-146, 148-248, 250-272, 274-320, and 429-505. Alternately, based on the election of Species I, Subspecies A₃ alone, Applicant elects examination of claims 1-34, 36-58, 60-100, 104-146, 148-170, 172-206, 210-248, 250-272, 274-314, 318-320, 429-474, and 476-503.

Reasons for Traverse

The Restriction/Election requirement mailed September 15, 2003 is improper for multiple reasons and traversed by the Applicant.

As an initial matter, the Restriction/Election requirement is improper as being directed to allegedly disclosed inventions instead of *claimed* inventions. Although Applicant understands that species are generally identified with respect to mutually exclusive embodiments disclosed in the specification - usually the drawings - the alleged species/subspecies have little to do with the claimed invention and, when they do relate to the claimed invention, mostly fall within the generic independent claims.

The Restriction/Election requirement is improper under MPEP 803.02 since the alleged subspecies require restriction of Markush groups. For example, Species I, Subspecies B₁ and B₂ require restriction of a two member Markush group in claims 59, 171, 273, and 475.

The Restriction/Election requirement is improper since at least some of the alleged subspecies read on NO claims. Although claims 17, 48-49, 53-54, 129, 160-161, 165-166, 231, and 267-268 deal with requests of one sort or the other, none of these claims meets the subspecies requirement of being “[d]irected toward delivering personalized information to a user in response to a direct request from a user for that particular information” as required by Species I, Subspecies A₁. For example, claim 17 does not require that the request be *from a user* and claim 54 nowhere mentions a “direct request ... for *that particular information*” but rather a more general (i.e., generic) “specific request” for “additional comments” for *yet undetermined* “hot news.”

Likewise, although claims 30, 142, 244, and 462 use psychological testing to produce a profile, no claims are “[d]irected toward analyzing user profiles for psychological testing” as

required by Species I, Subspecies B₃. Additionally, NO claims involve statistical evaluation required by Species I, Subspecies C₃.

Furthermore, the alleged Species and Subspecies are improper as not necessarily being mutually exclusive.

For these reasons, Applicant requests withdrawal of the improper Restriction/Election requirement and examination of all of the claims.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Christopher B. Kilner". The signature is fluid and cursive, with the first name "Christopher" being more legible than the last name "Kilner".

Christopher B. Kilner, Esq.

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